

REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated September 17, 2010 and, thus, the application is in condition for allowance.

By this reply, claims 1, 5, 10, and 18 have been amended. Claims 1, 2, 4-15, and 17-23 are currently pending in the application. Of these, claims 1, 5, 10, and 18 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claims 10-15 and 17 were rejected under 35 U.S.C. 101 as not being within one of the categories of statutory subject matter. Applicant respectfully traverses. The claims were rejected because it is asserted that “a device” is considered as a program per se. However, claim 10, as well as the dependent claims, is drawn towards “a remote server” comprising, among other things, a controller and an interface, not simply a software module, as asserted by the Office Action. As such, the claim includes machine parts and is within the statutory subject matter and should be allowable. Solely in order to expedite the prosecution, Applicant has further specified that the remote server is tangible. Thus, the claims should be allowable.

In the outstanding Office Action, claims 1, 2, 4-15, and 17-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chan (US 6,760,759) in view of Isomursu (US 7,088,990) in further view of Lee (US 6,336,137). It is asserted that Chan discloses substantially the same method and apparatus according to the present invention as recited in the claims, but for teaching assigning buttons on the wireless device, the command functions being customized to a display and a control capacity of the wireless device. It is further asserted that Isomursu does disclose these deficiencies and that the combination of the references would have been

obvious to one of ordinary skill in the art at the time of the invention. Applicant respectfully traverses.

With respect to independent claims 1, 5, 10, and 18, neither Chan nor Isomursu nor Lee, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. For example, Chan does not teach or suggest, among other things, creating a special deck containing a plurality of items and folders relevant to the one or more initial search parameters. These features are disclosed, for instance, in paragraphs [0023], [0057], and [0066]. For example, a stranded motorist can enter the keywords “car” and “accident”, and the search engine can provide a special deck, i.e., a menu having one or more folders, with a root folder containing various items of particular interest, such as “Automobile Service Providers”, “Towing Services”, “Car Rental Agencies”, etc. Thus, the created deck creates a menu specifically tailored to the search performed by the user and provides this menu to the wireless device. In another example, the user can enter the keyword “new” and the search engine can identify every folder and/or item associated with the term “new” and a deck manager assembles a “new” deck consisting of the identified folders/items. The controller then provides the “new” deck to the wireless device such that the wireless device can display the menu. Chan discloses bundling a set of applications to facilitate mobile communications and use of the internet (Chan, Abstract). At most, Chan discloses the user customizing a first menu (Chan, Column 5, Lines 35-45). However, nowhere does Chan disclose creating a menu based upon a search by the mobile device. The menu in Chan has already been created, either being present on the device or added by the user, before the search is ever run. The menu in Chan is used to narrow the search before the search is ever run. This is very different than a menu being created

based upon search parameters, for instance, by a deck manager, and including the search engine results.

Furthermore, Isomursu fails to cure the deficiencies of Chan because Isomursu does not teach or suggest creating a special deck containing a plurality of items and folders relevant to the one or more initial search parameters. Isomursu discloses a terminal capable of supporting a plurality of applications and having means of communicating user messages wherein it comprises means for receiving user messages having data and a header relating to one of said applications and means for addressing the data to a respective application according to said header (Isomursu, Column 2, Lines 3-9). At most, Isomursu discloses that the menu structure can be dynamically updated over the air without any user assistance (Isomursu, Column 10, Lines 48-53). However, this dynamic update has nothing to do with a search performed by the user. It is simply disclosing updating the menu system over the air rather than having to take the device in to a provider's location. There is absolutely no disclosure of a special deck or menu being created based upon a search performed by a user. Thus, Isomursu cannot cure the deficiencies of Chan. For at least this reason, the rejection should be withdrawn.

Lee discloses client-server methods and systems where different markup languages may use the same server (Lee, Column 4, Lines 13-16). However, nowhere does Lee discuss creating a special deck containing a plurality of items and folders relevant to the one or more initial search parameters. At most, Lee discloses creating and using applets, views, and templates in page delivery and markup languages (Lee, Column 11, Lines 18-23). Nowhere does Lee disclose a special deck or menu created based upon a search performed by a user. Thus, Lee cannot cure the deficiencies of Chan and Isomursu. For at least this reason, the rejection should be withdrawn.

Thus, neither Chan nor Isomursu nor Lee, alone or in combination, teaches all of the elements in the independent claims. Hence, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. These dependent claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claims from any teaching or suggestion by Chan, Isomursu, or Lee. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

No fees are believed due to enter this amendment. If any fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Applicant respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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